



Appeal Decision

Site visit made on 17 April 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/T5150/W/23/3327208

22 Forest Gate, Brent, London NW9 0SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Y Miah against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/0694.
 - The development proposed is the "demolition of garage and erection of a single storey dwelling with pitched roof, sub-division of rear garden, provision for cycle and refuse storage and associated landscaping."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests would be prejudiced by my taking this approach.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area,
 - the effect of the proposed development on highway safety, having regard to on-street parking provision in the area,
 - whether the proposed development makes adequate provision for cycle parking and bin storage,
 - whether the appeal site is a suitable location for housing, having regard to the accessibility to public transport and local services, and
 - the effect of the proposed development on the living conditions of existing occupiers of neighbouring properties, with regard to outlook and daylight.

Reasons

Character and appearance

4. Forest Gate is a cul-de-sac with predominately two storey, semi-detached residential properties, that typically front the highway and have modest front gardens and larger rear gardens. Corner properties at the head of the cul-de-sac, including the appeal property, have narrower front gardens and large, wide rear gardens. It is the property layouts and spacious corner plots that contribute to the character and appearance of the area.
5. The appeal site comprises part of the rear and side garden serving 22 Forest Gate. It is an irregular shaped parcel of land, with a very narrow frontage, which widens to the rear of the site. While the proposed scheme has previously been reduced and would not be overly prominent in the street scene, the proposed property would be located close to the rear of the appeal site. Moreover, the appeal property would have a large footprint, extending close to both side boundaries of the appeal site.
6. As such, the proposed layout would result in a property with a shallow rear garden and substantial frontage. Furthermore, its location within the appeal site would erode the open character of this corner plot. Consequently, the appeal scheme would result in an incongruous form of development, at odds with, and detrimental to, the prevailing character of the area.
7. An appeal decision¹ has been drawn to my attention. From the information before me, this case relates to an annex, that is ancillary to the host property and secured as such by condition No 4 within the submitted appeal decision. While the appeal proposal also seeks to replace a garage, it is for a wholly independent residential unit. Therefore, this case is not directly comparable. In any event, I have considered the appeal on its own merits.
8. For these reasons, the proposed development would result in unacceptable harm to the character and appearance of the area, contrary to Policies DMP1 and BD1 of the London Borough of Brent Local Plan 2022 (BLP). Collectively, these seek, among other things, to ensure development is of a siting and scale that complements the locality.

Highway safety

9. Due to the narrow width of Forest Gate, any on-street parking can only take place on one side of the carriageway. Available on-street parking spaces are delineated with parking bays which, due to the narrowness of the carriageway, allow for parking partially on the highway and partially on the pavement. This layout ensures that the free flow of traffic along this highway is not obstructed. On-street parking provision is limited, with evidence from the Council indicating nine available on-street parking spaces, which is consistent with my observations during my site visit.
10. Access to the appeal site from Forest Gate would be via an existing access, which is shared between Nos 20 and 22. No 22 is served by an existing garage, which can accommodate two off-street parking spaces. However, the evidence before indicates that both the occupiers of Nos 20 and 22 park vehicles on their respective site frontages.

¹ Appeal decision reference APP/T5150/W/17/3180261

11. As required by BLP Policy BT2, Appendix 4 of the BLP states that residential parking standards shall be in accordance with those set out in Policy T6 of the London Plan 2021 (LP).
12. For a one-bedroom dwelling in an area within a Public Transport Accessibility Level of 2 (PTAL), LP Policy T6 stipulates the maximum parking standard is 0.75 spaces per dwelling. For No 22, the maximum parking standard is one off-street parking space, which is exceeded at present due to the existing garage being able to accommodate two off-street parking spaces.
13. Therefore, the maximum parking allowance for both the existing and proposed dwelling is 1.75 spaces. However, the Council are satisfied that one-off street parking space would be sufficient and, given the requirement for the proposed property is not a full space, I see no reason to disagree. The submitted plans show no off-street parking provision for either dwelling.
14. BLP Policy BT2 states that car free development should be the starting point for all development proposals in places that are well-connected by public transport. The appeal site, although in PTAL 2, is located within a short walking distance to bus stops and a range of local services located along Edgware Road. Hendon train station and Colindale tube station, while located further away, are still within a reasonable walking distance of the appeal site.
15. However, the supporting text to this policy states that other areas that are easily accessible by public transport may also be suitable for car free development, subject to a Controlled Parking Zone (CPZ) being in place or implemented. Forest Gate does not lie within a CPZ and there is no evidence before me which indicates one is likely to be implemented. As such, there is no mechanism before me to restrict car ownership for future occupants of the proposed development or existing occupiers of No 22.
16. The frontages of Nos 20 and 22 are utilised for the parking of vehicles. Although modest areas, there is no substantive evidence before me that pedestrian access to the appeal proposal, or frontage planting, could not be achieved without displacing parking from these areas or blocking access to the garage serving No 20.
17. Therefore, in the absence of an off-street parking space, the proposed development is likely to generate demand for on-street parking in the area. BLP Policy BT2 further states that development will be supported where it does not add to on-street parking demand where on-street parking spaces cannot meet existing demand such as on heavily parked streets, or otherwise harm existing on street parking conditions.
18. While only a snapshot in time, during a quieter part of the day, during my site visit I observed the demand for on-street parking along Forest Gate, with the majority of the parking bays occupied. Further evening demand would be likely to come from residents returning from work. Furthermore, the Council indicate that parking surveys have been carried out, which noted nine cars parked along the street during the night, with no spare capacity to accommodate any further on-street parking.
19. In the absence of such evidence and having regard to the existing demand for on-street parking, the proposed development would increase on-street parking pressure along Forest Gate. This would cause undue harm given that parking

pressure in the local area is already significant. Given the narrow width of Forest Gate, any additional parking, above the level currently experienced, would likely be to the detriment of the free and safe flow of traffic and pedestrians.

20. For these reasons, I conclude that the proposed development would have a harmful effect on highway safety, having regard to on-street parking provision in the area, contrary to BLP Policies DMP1 and BT2. Collectively, these seek, among other things, to ensure development proposals are satisfactory in terms of parking and do not have negative impacts on existing highways.

Cycle parking and bin storage

21. As required by BLP Policy BT2, Appendix 4 of the BLP sets out that cycle parking standards shall be provided as set out in LP Policy T5. In accordance with this, two cycle parking spaces are required to serve No 22. BLP Policy DMP1 seeks, among other things, to ensure that development proposals do not unacceptably increase waste.
22. No provision for cycle parking or bin storage has been identified within the submitted plans to serve No 22. However, both the Council and appellant agree that such matters could be dealt with through a suitably worded planning condition. Given the size and layout of the front and rear gardens serving No 22, I see no reason to disagree.
23. Therefore, I conclude that the proposed development would make adequate provision for cycle parking and bin storage. This accords with LP Policy T5 and BLP Policies DMP1 and BT2. Collectively, these seek, among other things, to ensure development proposals provide adequate cycle parking provision and do not unacceptably increase waste.
24. The Council have referred to BLP Policy BT3 within their reason for refusal. This policy relates to freight and serving provision and protection of freight facilities. As this policy does not refer to cycle parking or bin storage it is not relevant to the main issue.

Suitable location for housing

25. BLP Policy BH4 seeks to support the provision of small housing developments within the priority locations of PTAL 3-6, intensification corridors or a town centre boundary. Outside of the priority locations, BLP Policy BH4 indicates that greater weight will be placed on, among other things, access to public transport and a variety of social infrastructure accessible on foot. The supporting text to this policy highlights that its main thrust is to support new housing in areas with good access to public transport and local services.
26. The appeal site is not located within any of the listed priority locations. However, as I have previously highlighted, it is located close to bus stops and a range of local services and facilities along Edgeware Road, which are within a short walking distance from the appeal site. Hendon train station and Colindale tube station, while further away, are still within a walkable distance. The provision of cycle storage within the appeal site frontage further supports sustainable travel options. Therefore, I am satisfied that the appeal site is well located in respect to public transport and local services and, as such, the proposed development would not result in materially higher levels of car dependency.

27. In conclusion, the appeal site is in a suitable location for housing, in accordance with BLP Policies DMP1 and BH4, which seek, among other things, to ensure development is located in areas which have access to public transport and a variety of social infrastructure.

Living conditions

28. The majority of residential properties surrounding the appeal site are two storey. The Council have referred to a number of neighbouring properties including No 22, the host property, 20 Forest Gate, 3 Wakemans Hill Avenue and 209 and 211 Edgeware Road. The closest properties to the appeal site are Nos 20 and 22, which are both two storey corner properties.
29. To safeguard neighbouring daylight, the Brent Design Guide SPD1 November 2018 (SPD1) advises that the proposed building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of an adjoining existing property, measured from height of two metres above floor level. Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres.
30. No information to confirm compliance, or otherwise, with this guidance has been submitted by either the appellant or the Council. Notwithstanding this, the proposed development is single storey in height, with a hipped roof. It would be sited on land that is marginally lower than Nos 20 and 22.
31. The appeal property would be orientated with its side elevation facing towards the side boundary serving No 22 and its front elevation at an oblique angle to the rear elevation of No 22. The front elevation of the appeal property would face towards the side elevation of No 20. The garage serving No 20 is sited between the side elevation of No 20 and the appeal site.
32. In view of the proposed layout and having regard to the distance from and orientation of Nos 20 and 22, there is unlikely to be a significant impact upon the line of 30 degrees when applied to the nearest rear habitable room windows of these adjoining properties. As such, there would be no material impact in respect of daylight reaching these properties.
33. The appeal scheme would be sited close to the shared side garden boundaries with Nos 20 and 22. Due to this proximity, while I cannot be certain that there would not be conflict with a line of 45 degrees if applied to the garden edge, this conflict is not likely to be significant, given the single storey height and hipped roof design proposed.
34. Therefore, the orientation, siting and height of the proposed development means that any overshadowing would only affect relatively small areas of the garden serving Nos 20 and 22 and then only for short periods of the day. On this basis, there would be no significant impact on daylight reaching the gardens serving the aforementioned properties, or the ability of the occupants to enjoy the outdoor space.
35. The orientation, siting and height of the proposed development would ensure it does not result in an increased sense of enclosure, when viewed by the occupiers of Nos 20 and 22. As such, there would be no material loss of outlook for the occupiers of the aforementioned properties as a result of the appeal scheme.

36. While Nos 3, 209 and 211 are within the vicinity of the appeal site, No 3 does not directly adjoin the appeal site and there is an access road between the appeal site and Nos 209 and 211. In view of the distances between the appeal site and these properties, the intervening features and single storey height of the proposed development, there would be no material loss in daylight or outlook for the occupiers of these properties, as a result of the appeal scheme.
37. For these reasons, the proposed development would not result in harm to the living conditions of existing occupiers of neighbouring properties, with regard to outlook and daylight, which accords with BLP Policy DMP1 and the guidance within SPD1. Collectively, these seek, among other things, to ensure development proposals provide high levels of external amenity.

Other matters

38. The appellant asserts that the proposed development allows for spaciousness, light and sufficient outdoor amenity space, incorporates a traditional design and materials and is acceptable in respect of biodiversity, SuDS and fire safety. Furthermore, they highlight a lack of comments and objections from local residents and compliance in respect of the standard of accommodation and internal space requirements, including ceiling heights. A lack of harm and compliance in respect of these considerations are neutral matters in the planning balance.
39. While the proposed development incorporates the feedback provided by the Council in respect of a previous planning application and pre-application advice and the appellant highlights that other properties have put garages to better use, the appeal scheme would, nonetheless, harm the character and appearance of the area and highway safety.

Planning Balance

40. Paragraph 11 d) of the Framework states that, where the policies which are most important for determining an application are out-of-date, which includes situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
41. The appellant has highlighted that the Council are unable to demonstrate a Framework compliant supply of housing land. The Council have not disputed this. Although neither party have provided any further information in respect of the extent of any such shortfall, paragraph 11 d) is, nevertheless, engaged.
42. The proposed development would cause harm to the character and appearance of the area and highway safety. As such, it would not accord with the development plan as a whole. The weight to be given to this conflict is significant, as the policies in respect of these matters broadly reflect the provisions of the Framework.
43. The proposal would make a modest contribution towards the areas housing supply. The Framework supports the development of windfall sites and great weight should be given to the benefits of using suitable sites within existing settlements for homes, in an area which is close to local facilities and transport.

44. The Government's objective is to significantly boost the supply of homes. The Framework recognises that small sites can make an important contribution to meeting the housing requirement. The proposal would lead to some social and economic benefits through the construction of the property and the activities of the future residents of the scheme.
45. However, while there is support for new housing, the benefits in respect of the appeal scheme would be limited, given the scale of development proposed. Therefore, the harm identified in respect of the main issues would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

46. For the above reasons, I conclude that while the appeal scheme makes adequate provision for cycle parking and bin storage, is in a suitable location for housing and would not harm the living conditions of existing occupiers of neighbouring properties, the harm I have identified in respect of the character and appearance of the area and highway safety is determinative. Therefore, the appeal scheme would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR